HON'BLE SHRI JUSTICE NOOTY RAMAMOHANA RAO

W.P. No.22022 of 2007

12.10.2007

Between

M.Subba Reddy ..Petitioner

AND

The Government of A.P., Tribal Welfare Department ..Respondents represented by its Secretary and others

:: JUDGMENT :

HON'BLE SHRI JUSTICE NOOTY RAMAMOHANA RAO

W.P. No.22022 of 2007

Heard the learned counsel for the petitioner and the learned Government Pleader for Social Welfare.

The Special Deputy Collector (Tribal Welfare), Bhadrachalam passed orders in his proceedings in L.T.R. Case No.54/2001/PVC against the writ petitioner herein on 22.3.2005 ordering his ejectment from out of the land of an extent of Ac.4.05 gts., inS.No.77/A of Sangam Village. It is not in dispute that against this order of the Special Deputy Collector, an Appeal is provided to the Agent to the Government, Khammam District under Section 8 of the A.P. Scheduled Areas Land Transfer Regulation Act, 1959. The writ petitioner has asserted that such an Appeal had been preferred on 30.7.2005 and along with the Appeal, an Interlocutory Application was also moved seeking stay of the operation of the orders of the Special Deputy Collector dated 22.3.2005. The Appeal filed by the petitioner in C.M.A.No.63 of 2005 has been dismissed by the second respondent by an order dated 28th July, 2007 directing the Mandal Revenue Officer, Palvancha to take over the possession of the schedule land. Aggrieved by the orders passed by the second respondent, the writ petitioner preferred a Revision before the Government along with an interlocutory application.

It is asserted that the first respondent is so preoccupied with other pressing works and consequently, is not in a position to take up the Revision preferred and no interlocutory orders could be obtained by the writ petitioner. In the meantime, the Special Deputy Collector and his subordinate officers are threatening the writ petitioner to vacate from out of the scheduled land. Therefore, the present writ petition has been instituted.

Once a Revision is preferred to the first respondent, it is only expected that it will be attended to at the earliest convenient time. If the Revision itself cannot be decided, the Interlocutory Application moved by the parties seeking urgent interim orders could be attended to in the meantime. It is no doubt true that the first respondent is preoccupied with more pressing and important public functions, but that is no justification for not entertaining the Revisions pending before it.

In these set of circumstances, I consider it appropriate to direct the first respondent to entertain, hear and decide the Revision preferred against the orders of the Additional Agent to the Government dated 28.7.2007 on or before 30th June, 2008. Till such time, the *status quo* existing as of now with regard to possession be maintained. It is however open to the first respondent to independently consider the Interlocutory Application moved by the writ petitioner herein and decide the same even before it decides the Revision preferred to them.

With this, the writ petition stands disposed of.

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NOOTY RAMA MOHANA RAO.J.

12.10.2007
psr